

Appl. No. 09/706,937  
Amdt. dated March 20, 2003  
Reply to Office action of December 20, 2002

### REMARKS

This is in response to the Office Action mailed December 20, 2002. In the Office Action, Applicants' Claims 1-3, 5, 9 and 12-13 were rejected as anticipated by U.S. Pat. No. 6,470,344 ("Kothuri"). Applicants' Claims 4 and 11 were rejected as obvious in view of the combination of Kothuri and U.S. Pat. No. 6,327,535 ("Evans"). Applicants' Claims 6, 7 and 10 were rejected as obvious in view of the combination of Kothuri and U.S. Pat. No. 5,953,722 ("Lampert"). Applicants' Claim 8 was rejected as obvious in view of the combination of Kothuri and U.S. Pat. No. 5,499,366 ("Rosenberg").

Applicants respectfully request the Examiner to reconsider the present application. Applicants submit that all the pending claims in the present application are allowable over the cited references.

### Claim Rejections – 35 U.S.C. §102

#### Independent Claim 1

Applicants' independent Claim 1 relates to an improved index for data that represent geographic features. The index has a structure that includes two spatial dimensions whereby the data indexed by the structure are searchable using the two spatial dimensions. The improvement comprises an additional dimension included in the structure of the index, whereby a "non-spatial property of the geographic features represented by the data is searchable using said additional dimension." Kothuri does not anticipate Applicants' independent Claim 1 because Kothuri fails to disclose or suggest every claim element of Claim 1.

Kothuri only discloses the preamble and not the recited improvement of Claim 1. That is, Kothuri merely discloses an index for geographic data including two spatial dimensions of latitude and longitude. (See, Kothuri: column 6, lines 34-67). Kothuri fails to disclose the improvement comprising the non-spatial property of the geographic features represented by the data is searchable using the additional dimension of the index. Although Kothuri discloses an index with more than two dimensions for linear data having multiple attributes, such as sales figures indexed according to attributes of product, time, and salesperson, Kothuri does not disclose or suggest the improvement of the non-spatial property of the

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geographic features being searchable using the additional dimension. (See, Kothuri: column 3, lines 25-31).

Because Kothuri fails to disclose or suggest every claim element, Kothuri does not anticipate Applicants' independent Claim 1.

#### Independent Claim 2

Applicants' independent Claim 2 relates to an improved index for data that represent geographic features. The index has a structure that includes two spatial dimensions whereby the data indexed by the structure are searchable using the two spatial dimensions. The improvement comprises an additional dimension included in the structure of the index, whereby a "non-spatial property of the data that represent the geographic features is searchable using said additional dimension." Kothuri does not anticipate Applicants' independent Claim 2 because Kothuri fails to disclose or suggest every claim element of Claim 2.

Kothuri only discloses the preamble and not the recited improvement of Claim 2. That is, Kothuri merely discloses an index for geographic data including two spatial dimensions of latitude and longitude. (See, Kothuri: column 6, lines 34-67). Kothuri fails to disclose the improvement comprising the non-spatial property of the data that represent the geographic features is searchable using the additional dimension of the index. Although Kothuri discloses an index with more than two dimensions for linear data having multiple attributes, such as sales figures indexed according to attributes of product, time, and salesperson, Kothuri does not disclose or suggest the improvement of the non-spatial property of the data that represent the geographic features being searchable using the additional dimension. (See, Kothuri: column 3, lines 25-31).

Because Kothuri fails to disclose or suggest every claim element, Kothuri does not anticipate Applicants' independent Claim 2.

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**Claim Rejections – 35 U.S.C. §103**

**Dependent Claims 6, 7 and 10**

Applicants' Claims 6, 7 and 10 were rejected as obvious in view of the combination of Kothuri and Lampert. Applicants respectfully request the Examiner to withdraw this rejection because the Lampert patent is not available as prior art to the present application for purposes of 35 U.S.C. §103.

The American Inventors Protection Act of 1999 amended 35 U.S.C. § 103 so that subject matter which is prior art under 35 U.S.C. § 103 via § 102(e) is now disqualified as prior art against a claimed invention if that subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. The USPTO rules implementing this change in 35 U.S.C. § 103 state that:

The amendment of 103(c) "... shall apply to any application for patent filed on or after the date of enactment of this Act," which is November 29, 1999. Therefore, amended 103(c) will be applied to all utility, design and plant patent applications filed on or after November 29, 1999, including continuing applications filed under 37 CFR 1.53(b), continued prosecution applications filed under 37 CFR 1.53(d) and reissues.

(See, <http://www.uspto.gov/web/offices/com/sol/og/2000/week15/patamin.htm>)

Applicants respectfully point out that the Lampert patent and the present application are commonly owned. Therefore, due to the amendment of 35 U.S.C. § 103(c), the Lampert patent is not available as prior art against the claims of the present application. Accordingly, Applicants request that the rejection of dependent Claims 6, 7 and 10 under 35 U.S.C. § 103 be withdrawn.

**Applicants' dependent Claims 3-5, 8-9 and 11-13**

Applicants' Claims 3-5, 8-9 and 11-13 are dependent claims that distinguish the cited references at least for the same reasons explained above in connection with their independent base Claims 1 and 2. In addition, these claims recite further features and limitations that are neither disclosed nor suggested by these references.

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### New Claim

Applicants have added a new independent Claim 14 relating to an improved index for data. The index has a structure that includes two dimensions whereby the data indexed by the structure are searchable using the two dimensions. The improvement comprises an additional dimension included in the structure of the index, whereby a "granularity of the indexed data is searchable using said additional dimension." Applicants' Claim 14 is patentable because the cited references fail to disclose or suggest every claim element of Claim 14.

Kothuri only discloses the preamble and not the recited improvement of Claim 14. That is, Kothuri merely discloses an index including two or more dimensions. (See, Kothuri: column 6, lines 34-67). Kothuri fails to disclose or suggest the improvement of the granularity of the indexed data being searchable using the additional dimension. In fact, Kothuri teaches away from the recited improvement. Kothuri discloses having separate indexes for different granularity of the index data. For example, a first index constructed on a city-level and a separate second index on a state-level. (See, Kothuri: column 7, lines 17-27).

Additionally, the Evans and Rosenberg patents fail to disclose or suggest the recited improvement of the granularity of the indexed data being searchable using the additional dimension. Evans and Rosenberg have no disclosure related to the recited improvement.

Because the cited references fail to disclose or suggest every claim element, Applicants' new Claim 14 is patentable over the cited references.

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**Conclusion**

All the issues in the Office Action, dated December 20, 2002 have been addressed. Favorable consideration of the present application is requested. If any issues remain, the Examiner is invited to call the undersigned.

Respectfully submitted,



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